

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

FILED
HARRISBURG, PA

MAY 02 2008

United States of America)

v.)

JOSEPH BURNETT)

MARY E. D'ANDREA, CLERK

Per _____
Deputy ClerkDate of Previous Judgment: February 14, 2003

(Use Date of Last Amended Judgment if Applicable)

Case No: 1:CR-01-005USM No: 10585-067Thomas Thornton, Assistant Federal Public Defender

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 18Criminal History Category: IVPrevious Guideline Range: 90 to 97* months

Amended Offense Level: _____

Criminal History Category: _____

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): Defendant plead guilty to escape of February 20, 2008. That plea, along with institutional incident reports, shows that Defendant presents a public safety factor and is not deserving of a reduction.

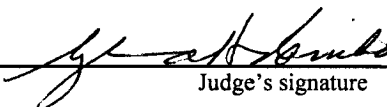
* The sentence was reduced to 78 months on February 14, 2003, pursuant to Federal Rule of Criminal Procedure 35(b).

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 02/14/2003 shall remain in effect.

IT IS SO ORDERED.Order Date: May 2, 2008

Effective Date: May 2, 2008
(if different from order date)


Judge's signature

Sylvia H. Rambo, United States District Judge
Printed name and title